

COMBINED DECLARATION AND POWER OF ATTORNEY

As below-named inventor, I hereby declare that

This declaration is of the following type:

- ☐ original ☐ design ☐ supplemental
☒ national stage of PCT
☐ divisional ☐ continuation ☐ continuation-in-part

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THE USE OF A NITROXIDE OR A PRODRUG THEREOF IN THE
PROPHYLACTIC AND THERAPEUTIC TREATMENT OF CANCER

the specification of which:

- ☐ is attached hereto.
☒ was filed on November 23, 1999 as Application No. 09/424,519 and was amended on _____ (*if applicable*).
☐ was filed by Express Mail No. _____ as Application No. not known yet, and was amended on _____ (*if applicable*).
☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (*if any*).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

COUNTRY	APPLICATION	DATE OF FILING (day,month,year)	PRIORITY CLAIMED UNDER 35 USC 119			
				YES		NO
				YES		NO
				YES		NO
				YES		NO

I hereby claim the benefit pursuant to Title 35, United States Code, § 119(e) of the following United States provisional application(s):

PRIOR U.S. PROVISIONAL APPLICATIONS CLAIMING THE BENEFIT UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING
60/047,724	May 27, 1997

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120					
U.S. APPLICATIONS			Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
1. 0 /					
2. 0 /					
3. 0 /					
PCT APPLICATIONS DESIGNATING THE U.S.			Status (check one)		
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLN. NOS. ASSIGNED (if any)	PATENTED	PENDING	CLOSED
4. PCT/US98/10685	May 27, 1998				X
5.					
6.					

DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS				
ABOVE APPLN. NO.	COUNTRY	APPLICATION NO.	DATE OF FILING (day,month,yr)	DATE OF ISSUE (day,month,yr)
1.				
2.				
3.				
4.				
5.				
6.				

As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

In re Appln. of Mitchell et al.
Attorney Docket No. 175931

9
Robert Benson, Reg. No. 33,612
Steven M. Ferguson, Reg. No. 38,448
Stephen L. Finley, Reg. No. 36,357
James C. Haight, Reg. No. 25,588
Joseph K. Hemby, Reg. No. 42,652

John Peter Kim, Reg. No. 38,514
Susan S. Rucker, Reg. No. 35,762
David R. Sadowski, Reg. No. 32,808
Jack Spiegel, Reg. No. 34,447

all of National Institutes of Health, Office of Technology Transfer, Box OTT, Bethesda, Maryland 20892-9902, Telephone (301) 496-7056.

Please recognize as Associate Attorneys in this case:

14
John Kilyk, Jr., Reg. 30,763
Bruce M. Gagala, Reg. 28,844
Robert F. Green, Reg. 27,555
John M. Belz, Reg. 30,359
Jeremy M. Jay, Reg. 33,587
Christopher T. Griffith, Reg. 33,392
Jeffrey B. Burgan, Reg. 35,463

Xavier Pillai, Reg. 39,799
Carol Larcher, Reg. 35,243
M. Daniel Hefner, Reg. 41,826
Salim A. Hasan, Reg. 38,175
Kenneth P. Spina, Reg. 43,927
Robert M. Gould, Reg. 43,642
David J. Schodin, Reg. 41,294

I further direct that correspondence concerning this application be directed to LEYDIG, VOIT & MAYER, LTD., Two Prudential Plaza, Suite 4900, 180 North Stetson, Chicago, Illinois 60601-6780, Telephone (312) 616-5600.

I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-10
Full name of sole or first inventor: James B. Mitchell

Inventor's signature James B. Mitchell

Date 2/29/00

Country of Citizenship: USA

Residence: Damascus, Maryland MD
(city/state or country)

Post Office Address: 10516 Sweepstakes Road, Damascus, Maryland 20872
(complete mailing address)

2-10
Full name of second joint inventor, if any: Angelo Russo

Inventor's signature Angelo Russo

Date 2-29-00

Country of Citizenship: USA

Residence: Bethesda, Maryland MD
(city/state or country)

Post Office Address: 5501 Northfield Road, Bethesda, MD 20817
(complete mailing address)

3-00

Inventor's signature

Country of Citizenship: USA

Post Office Address: 15941 Indian Hills Road, Rockville, Maryland 20855
(complete mailing address)

Inventor's signature _____

Country of Citizenship: USA

Post Office Address: 2000 East Roger Road, Apt. B 11, Tucson, Arizona 85719
(complete mailing address)

[illegible]

Inventor's signature _____

Date _____

Residence: Rockville, Maryland
(city/state or country)

Post Office Address: 15941 Indian Hills Road, Rockville, Maryland 20855
(complete mailing address)

Inventor's signature Araceli Maria Deluna

Date Feb 29, 2000

Country of Citizenship: USA

Residence: Tucson, Arizona
(city/state or country)

Post Office Address: 2000 East Roger Road, Apt. B 11, Tucson, Arizona 85719
(complete mailing address)